

**MINUTES OF THE  
NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT INTERIM  
COMMITTEE**

Wednesday, November 20, 2002 – 9:00 a.m. – Room 303 State Capitol

**Members Present:**

Sen. Parley G. Hellewell, Senate Chair  
Rep. Bradley T. Johnson, House Chair  
Sen. Leonard M. Blackham  
Sen. Mike Dmitrich  
Sen. Bill Wright  
Rep. Eli H. Anderson  
Rep. Roger E. Barrus  
Rep. Jackie Biskupski  
Rep. Craig W. Butters  
Rep. David N. Cox  
Rep. Margaret Dayton

Rep. Glenn A. Donnelson  
Rep. Fred J. Fife III  
Rep. James R. Gowans  
Rep. Thomas Hatch  
Rep. Darin G. Peterson  
Rep. Michael R. Styler  
Rep. Stephen H. Urquhart

**Staff Present:**

Mr. Brian Allred, Research Analyst  
Ms. Jeanenne B. Larson, Associate General Counsel  
Ms. Joy L. Miller, Legislative Secretary

**Note:** A list of others present and a copy of materials can be found at <http://www.image.le.state.ut.us/imaging/history.asp> or by contacting the committee secretary, Joy Miller, at 538-1032.

**1. Committee Business**

Chair Johnson called the meeting to order at 9:15 p.m.

**MOTION:** Rep. Dayton moved to approve the minutes of the October 23, 2002 meeting. The motion passed unanimously.

**2. Report of the Agricultural Sustainability Task Force**

Rep. Butters distributed a handout "Report on the Agricultural Sustainability Task Force." The Task Force began by looking at a study by Dr. Bruce Godfrey, Utah State University, on the prospects for agriculture in Utah over the next 10 years. Rep. Butters reviewed the Task Force conclusions with the Committee.

Rep. Butters discussed draft legislation "Agricultural Products Dealer's Act Amendments." The legislation would increase the floor and ceiling on the amount of surety bond or other security agreement before a license is issued to a dealer and also gives the commissioner of the DAF (Department of Agriculture and Food) the authority to increase bond requirements if the initial bond is inadequate. The act requires the filing of an annual report by dealers with the DAF and disallows a packer buyer to be double bonded or double licensed.

Commissioner Cary Peterson, DAF, said in some instances the level of bonding allowed by law was not enough to cover the commodities supplied by producers. He said they have encouraged Utahns to purchase local production. Commissioner Peterson stated he would like to pursue the possibility of the DAF having the discretion to allow small deliveries to a neighborhood grocer without requiring the neighborhood grocer to have a \$20,000 minimum bond.

Mr. Seth Winterton, DAF, said he did not view raising the limit of the bond as a significant cost of doing

business. The legislation would also promote more competition.

**MOTION:** Rep. Gowans moved to adopt draft legislation "Agricultural Products Dealer's Act Amendments" as a Committee bill. The motion passed unanimously with Rep. Biskupski absent for the vote.

Rep. Buttars discussed draft legislation "Dealers in Agricultural Products." The legislation would require the issuance of a "Product of Agricultural Receipt" to a producer by a dealer who receives a product of agriculture for sale, storage, or consignment from the producer.

Commissioner Peterson pointed out that the legislation mirrors federal language. The Product of Agricultural Receipt is proof of ownership of the product until the product has been paid for.

**MOTION:** Sen. Dmitrich moved to adopt draft legislation "Dealers in Agricultural Products" as a Committee bill. The motion passed unanimously with Rep. Biskupski and Rep. Urquhart absent for the vote.

Rep. Johnson turned the chair over to Sen. Hellewell

### **3. Report of the Gubernatorial and Legislative Task Force on Alternative Revenue Sources for Water Funding**

Sen. Blackham distributed a handout "Water Funding Alternatives Task Force Subcommittee Draft Report." The Division of Water Quality and the Division of Drinking Water have identified a \$5.3 billion need over the next 20 years. In addition, there will be needs for irrigation system improvements, in both agricultural and secondary municipal systems, to take advantage of more water efficient technologies and to help reduce water pollution. Current funding levels will not be sufficient to meet these needs, but conservation, prudent use of funding sources, and quality planning and coordination can help water managers meet the anticipated needs. He discussed the alternatives considered by the task force.

Rep. Ure indicated that the subcommittee of the task force worked very hard to take all aspects into consideration. He encouraged the Committee to seriously consider the report.

**MOTION:** Rep. Johnson moved to adopt the Water Funding Alternatives Task Force Subcommittee Draft Report with the recommendation that the 1/16% sales tax diversion be retained. The motion passed unanimously with Rep. Biskupski absent for the vote.

### **4. Sunset Review - Title 73, Chapter 27, State Water Development Commission**

Rep. Ure and Sen. Blackham asked that the State Water Development Commission be reauthorized.

**MOTION:** Rep. Gowans moved to reauthorize the State Water Development Commission for an additional five years. The motion passed unanimously with Rep. Biskupski absent for the vote.

## **5. Wild and Scenic Rivers**

Mr. Drew Sitterud, Emery County Commission, introduced individuals from various counties who were in attendance because of their concern with the issue. Emery and Carbon counties have recently been through the eligibility side of the Wild and Scenic Rivers program. He distributed a summary of the designation process and indicated they have many concerns with the program.

Mr. Craig Johansen, Emery County Public Lands Council, expressed concern with their inability to react to the process in a professional and educated manner. He reviewed the designation process with the Committee and expressed concern with the effect that the designation has on water rights. Mr. Johansen explained that a MOU (Memorandum of Understanding) expired on October 1, 2002 and should be reinstated with some modifications. The Division of Water Rights and the Division of Water Resources need to be engaged in the process to provide information and help in dealing with the federal agencies.

Mr. Val Payne, DNR (Department of Natural Resources), pointed out that there is also another MOU in existence which creates cooperating agency status for the state in dealing with the Bureau of Land Management and the U.S. Forest Service with regard to rewriting of resource management plans. He noted that it gives the local governments the opportunity to be involved in the process.

Mr. Bob Morgan, DNR, said they support the counties. However, their ability to participate will be dependent on the amount of money and staff they have to carry on these functions.

Mr. Ron Thompson, Washington County Water Conservancy District, gave a background of the events that happened in Washington County during the wild and scenic rivers designation process. The state has minimal resources and it is important for local governments to be involved.

Mr. John Harja, Governor's Office of Planning and Budget, explained why the MOU was originally developed. He noted that much of the problem with the Wild and Scenic Rivers Act is having to define "outstandingly remarkable features" of a region.

**MOTION:** Rep. Johnson moved that the chairs send a letter to the Governor encouraging the reauthorization of the MOU with the modifications as outlined by Mr. Johansen. The motion passed unanimously with Rep. Biskupski absent for the vote.

## **6. Other Items / Adjourn**

Mr. John Ziegler discussed the issue of black bear management in the state. He expressed concern with the shooting of a black bear cub last month by a DWR (Division of Wildlife Resources) officer. He said DWR has defended the actions of the officer but he felt corrective action should be taken since policy was not followed. He hoped that the discussion will start a process that will lead to better black bear management.

Mr. Kevin Conway, DWR, regretted the way the situation has been handled. He has committed that policy will be changed. Each cub bear will be evaluated for rehabilitation. A new module has been added

to the training program for officers to deal with these types of situations and temporary holding facilities will be constructed for cub bears in each region.

**MOTION:** Rep. Anderson moved to adjourn the meeting. The motion passed unanimously. Chair Hellewell adjourned the meeting at 12:10 p.m.